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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,042	12/19/2001	Neeman Malek	UBI071	3644

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EXAMINER

HO, THOMAS Y

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,042

Applicant(s)

MALEK ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1, 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Claims 1 and 13-17 are pending. Claims 2-12 have been withdrawn or cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/5/04 has been entered.

Claim Objections

Claim 15 is objected to because of the following informalities: the “,” at the end should be changed to a --.--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addicks US2776447 in view of Gregg US2890480.

As to claim 1, Addicks discloses, a window balance comprising: a window frame, a window sash movably mounted in said window frame, a torsion spring 1 having a first end (near 11) and a second end (near 2), a spiral rod 12 within said torsion spring having a third end (near

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16) near the first end, a fourth end (near 2) near the second end, and a first axis through the third end and the fourth end, a threaded follower 6/11 mounted on said spiral rod for being rotated by said spiral rod when said follower is moved along said spiral rod between the third end and the fourth end of said spiral rod, said threaded follower being attached to the first end of said torsion spring for rotating the first end of said torsion spring by rotation of said follower, first means 2/3 for attaching the second end of said torsion spring to a window sash for axial movement of said torsion spring by the sash for moving said follower along said spiral rod by moving the sash, attached to said window sash, a mounting assembly 13/14, fixedly mounted on said window frame, attached to the third end of said spiral rod preventing axial movement of said spiral rod with respect to the window frame.

The difference between the claim and Addicks is the claim recites, a gear assembly comprising a first gear and a second gear, for rotating said spiral rod by said first gear when said first gear is driven by said second gear for changing base force in said torsion spring.

Gregg discloses a sash balance similar to that of Addicks. In addition, Gregg further teaches a gear assembly comprising first 4 and second 7 gears for rotating a spiral rod 21. It would have been obvious to one of ordinary skill in the art, having the disclosures of Addicks and Gregg before him at the time the invention was made, to modify the mounting assembly of Addicks to be a gear assembly, as in Gregg, to obtain a gear assembly that mounts the spiral rod to the frame. One would have been motivated to make such a combination because the ability to adjust the tension in the spring for the size and weight of the sash would have been achieved, as taught by Gregg (col.3, ln.40-70).

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As to claim 14, Addicks discloses, further comprising: a tension spring 15 attached to said mounting assembly 13/14/16 and to said first means 2/3.

Gregg teaches that the mounting assembly is a gear assembly.

As to claim 15, Gregg teaches, further comprising: a keyed hole 8 in said second gear 7, an insert (tip of a screwdriver) in said keyed hole, keyed to said hole so that insert rotates said second gear when said insert is rotated, means 6 for urging said insert from a first position (where 4 and 7 are engaged and 6 is compressed) on said second gear to a second position (where 4 and 7 are disengaged and 6 is extended) on said second gear.

As to claim 16, Addicks discloses, a window balance comprising: a window frame, a window sash movably mounted in said window frame, a torsion spring having a first end and a second end, a spiral rod within said torsion spring having a third end near the first end, a fourth end near the second end, and a first axis through the third end and the fourth end, a threaded follower mounted on said spiral rod for being rotated by said spiral rod when said follower is moved along said spiral rod between the third end and the fourth end of said spiral rod, said threaded follower being attached to the first end of said torsion spring for rotating the first end of said torsion spring by rotation of said follower, first means for attaching the second end of said torsion spring to a window sash for axial movement of said torsion spring by the sash for moving said follower along said spiral rod by moving the sash, attached to said window sash.

Gregg teaches a first gear and a second gear mounted on a bearing frame 71 fixedly mounted on said window frame, said first gear attached to the third end of said spiral rod preventing axial movement of said spiral rod with respect to the window frame and for rotating

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said spiral rod by said first gear when driven by said second gear for changing base force in said torsion spring.

As to claim 17, Gregg teaches, further comprising: a keyed hole 8 in said second gear, an insert (screwdriver bit) in said keyed hole, keyed to said hole so that insert rotates said second gear when said insert is rotated, means 6 for urging said insert from a first position (4 and 7 engaged, with 6 compressed) on said second gear to a second position (4 and 7 disengaged, with 6 extended) on said second gear, means 10 on said bearing frame contacting said insert (contact through the second gear 7) for preventing rotation of said insert when said insert is in said second position.

Allowable Subject Matter

Claim 13 is allowed.

Response to Arguments

Applicant's arguments with respect to claims 1 and 14-17 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues (pg. 9) that in Addicks, the tension spring 15 is attached to nipple 2 and attached to nipple 16 to prevent rotation of the spiral rod 12, and the third end of the spiral rod 12 cannot be turned when strip 13 is attached to the window frame. Though this may be true, teaching references are cited that would allow the spiral rod mounting assembly to have gears, which turn, to change the force on the springs.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US2792588 to Gency discloses an adjustable foot mechanism for sash balances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH



ROBERT J. SANDY
PRIMARY EXAMINER